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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,434	04/15/2004	Takashi Ito	YOKOP013	9990
<div>25920 7590 01/28/2008 MARTINE PENILLA &amp; GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085</div>				
			<div>EXAMINER BURLESON, MICHAEL L</div>	
			<div>ART UNIT 2625</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 01/28/2008</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/826,434	<b>Applicant(s)</b> ITO ET AL.	
	<b>Examiner</b> Michael Burleson	<b>Art Unit</b> 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |



## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The program product claimed is merely a set of instructions per se. Since the program product is merely a set of instructions not embodied on a computer readable medium to realize the computer program functionality, the claimed subject matter is non-statutory.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Arai US 2003/0090726.

3. Regarding claim 1, Arai teaches a system for a server to determine a plurality of lattice points to be referenced to prepare correspondence defining data that defines correspondence between the amount of ink for each color used by a printing apparatus connected to a client and the value of color component in a specific color system, in which: said client has a unit to record the original correspondence defining data which previously prescribes correspondence between the lattice points in the low-dimensional color space prescribed by less color components than the number of inks for each color and the lattice points for ink amount in the ink amount space, a client's communication unit to transmit and receive data through a two-way communication line, and a unit to transmit the original correspondence defining data to the server through the client's communication unit (page 6, paragraph 0068 and page 7, paragraph 0071); and said server has a server's communication unit to transmit and receive data through a two-way communication line, a unit to receive the original correspondence defining data through the server's communication unit, a unit to acquire correspondence between lattice points in the low-dimensional color space and lattice points in the device-independent color space by referencing the original correspondence defining data, a unit to prescribe a smoothness evaluation function which evaluates smoothness of the arrangement of lattice points in the device-independent color space and has as a

variable the information about the position of lattice points in the low-dimensional color space, a unit to optimize the arrangement of lattice points in the device-independent color-space by improving the rating of the smoothness evaluation function, with the information about the position of lattice points varied, and a unit to determine lattice points for the correspondence defining data by associating the amount of ink for each color corresponding to lattice points in the low-dimensional color space specified by the information about the position of lattice points in the optimized state with lattice points in the low-dimensional color space prescribed by the original correspondence defining data (page 8, paragraph 0087).

Regarding claim 2, Arai teaches determining lattice points for the correspondence defining data, in which said server has a unit to transmit data indicating lattice points for the correspondence defining data through the server's communication unit, and said client has a unit to receive data indicating lattice points for the correspondence defining data through the client's communication unit, and a unit to prepare the correspondence defining data that associates the amount of ink with the value of color component in the specific color system by means of colorimetric values obtained by examining with a prescribed calorimeter the output of printing with an ink amount prescribed by the received data of lattice points for the correspondence defining data (page 10, paragraph 0108-0110).

Regarding claim 3, Arai teaches determining lattice points for the correspondence

defining data, in which said server has a unit to prepare the correspondence defining data that associates the amount of ink with the value of color component in the specific color system by means of calorimetric values obtained by examining with a prescribed calorimeter the output of printing with an ink amount prescribed by data indicating lattice points for the correspondence defining data, and a unit to transmit the prepared correspondence defining data through the server's communication unit, and said client has a unit to receive the correspondence defining data through the client's communication unit (page 10, paragraph 0108-01110).

Regarding claim 4, Arai teaches a client that requests a server to determine a plurality of lattice points to be referenced to prepare correspondence defining data that defines correspondence between the amount of ink for each color used by a printing apparatus and the value of color component in a specific color system, said client comprising a unit to record the original correspondence defining data which previously prescribes correspondence between the lattice points in the low-dimensional color space prescribed by less color components than the number of inks for each color and the lattice points for ink amount in the ink amount space, a client's communication unit to transmit and receive data through a two-way communication line, and a unit to transmit the original correspondence defining data to the server through the client's communication unit (page 6, paragraph 0068 and page 7, paragraph 0071).

Regarding claim 5, the structural elements of system claim 1 performs all of the

structural elements of claim 5. Thus, claim 5 is rejected for the same reasons discussed in the rejection of claim 1.

Regarding claim 6, the structural elements of system claim 1 performs all of the steps of method claim 6. Thus, claim 6 is rejected for the same reasons discussed in the rejection of claim 1.

Regarding claim 7, the structural elements of system claim 4 performs all of the steps of method claim 7. Thus, claim 7 is rejected for the same reasons discussed in the rejection of claim 4.

Regarding claim 8, the structural elements of system claim 1 performs all of the steps of method claim 8. Thus, claim 8 is rejected for the same reasons discussed in the rejection of claim 1.

Regarding claim 9, the structural elements of system claim 1 performs all of the steps of program claim 6. Thus, claim 6 is rejected for the same reasons discussed in the rejection of claim 1.

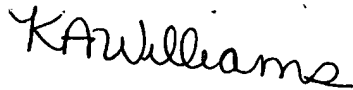
Regarding claim 10, the structural elements of system claim 4 performs all of the steps of program claim 7. Thus, claim 7 is rejected for the same reasons discussed in the rejection of claim 4.



Regarding claim 11, the structural elements of system claim 1 performs all of the steps of program claim 11. Thus, claim 11 is rejected for the same reasons discussed in the rejection of claim 1.

**Conclusion**

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Haskins can be reached at (571) 272-7406

  
KIMBERLY WILLIAMS  
PRIMARY PATENT EXAMINER

Michael Burleson  
Patent Examiner  
Art Unit 2625



MIb  
January 21, 2008